

CONGRESSMAN SHERWOOD BOEHLERT (R-NY)
OPENING STATEMENT FOR DOC RESOLUTION OF INQUIRY
March 29, 2006

Let me welcome everyone here for what I hope will be a brief mark-up, or more accurately, a brief interlude of partisan distraction in what is usually a bipartisan, focused and productive Committee. I don't think we're dealing with a serious issue today, and I wish we didn't have to spend any time on it, but the minority is prosecuting its rights under the House rules, and we have no choice but to comply.

I'm going to speak for a while now to lay out my position clearly, which I hope will shorten the debate later.

Let me start by pointing out what today's proceedings are not about. Today's debate is not about outsourcing – whether it's good or bad, or what to do about it. First, there isn't a Member of Congress on either side of the aisle who would not like to see more jobs created and retained in this country. And in this Committee, we've taken many steps – and will take more this year – to try to help accomplish that. The whole innovation debate is about finding ways to counter or compensate for outsourcing.

But there's no policy at stake in the resolution before us today. It has nothing to do with taking action in response to outsourcing. It's only about scoring political points related to a report. The release of that report wouldn't create a single new job – although its sponsors may hope the debate over it creates new jobs for some Democrat candidates.

But it gets even more absurd. The release of this report not only wouldn't help us take action on outsourcing, it wouldn't even help us learn more about outsourcing. Everyone involved in preparing the report agrees that data on outsourcing was hard to come by, given the resources and time that were available to prepare the document.

Moreover, every bit of data that was gathered for the report was provided to the National Academy of Public Administration (NAPA) for its much more extensive probe into exactly the same questions. The first volume of the NAPA report has been released and two more are coming. The NAPA report was requested by exactly the same people who requested the Commerce Department report, and it will cover the same questions with greater care and thoroughness. So no one is being denied information about outsourcing.

So what would be gained by seeking the Commerce Department document? Well, we've already ruled out either action or information, so then what? Well, maybe we could raise questions about the judgment of the people who headed up the Technology Administration and oversaw the report. But guess what? None of those people is still in the government. There is nothing at stake in reviewing their actions.

But someone could reasonably ask, "Okay, we don't gain anything by seeking the report, but what's the harm? Why not just ask for it anyway?"

That's a fair question. And if we were just going to ask for the report and be done with it, I might not object. But this is a politically motivated request, and it's not going to stop with seeking this document. Indeed, the letters that the minority has previously sent to the Department show that this is just the beginning of a prolonged fishing expedition that will raise all sorts of disputes related to Congressional access to Executive Branch deliberations.

Now I am perfectly willing to challenge Executive Branch legal claims. We've done it successfully on this Committee on both document and witness requests. But one doesn't get into such a dispute lightly.

Real concerns need to be at stake and you have to have a good case because any misstep becomes a precedent that can weaken future Congresses. Here, we don't have real concerns, so I'm not willing to get into a drawn out legal dispute that could make it more difficult for Congress to get documents in the future on issues that matter.

One last point that is critical. The minority may claim that what is at stake here is a pattern of suppression of information. But that is a "red herring." First of all, no information has been suppressed; it has all gone to NAPA. Second, this is not a case of a scientist reaching an uncomfortable conclusion and not being able to talk to the press. This was a case of Congress requesting analysts to pull some data together. There are no conclusions that are being suppressed. Indeed, the Commerce Department has made the analysts available to the minority and majority staffs of this Committee. Most of them even say that the short, public report accurately captured their work.

I don't think anyone can question my willingness to be vocal when an official – in the Administration or the Congress – tries to squelch scientific inquiry or expression. But that's not the case here. The public is not being denied the chance to hear about any information or theory.

Now that doesn't mean that the Commerce Department didn't bungle this whole thing. Exactly how or why, I don't know. What I do know is that there are no consequences to that bungling. The debate on outsourcing has not been constrained or stifled. And no one who was directly involved is still in office.

But this resolution could have consequences. It could weaken future Congresses by forcing us to get into a document fight with the Executive Branch over nothing.

So as I said at the outset, I hope we will defeat this quickly and put this political gamesmanship behind us. It's very clear, in numerous ways, that the Minority Leader has instructed her Members to be more aggressive and obstructionist. When that's in pursuit of some real policy goal, that's fine; we need healthy debate around here. But when it's about spurious efforts to score political points – efforts that interfere with accomplishing real progress – that's inexcusable.

The public ought to be offended that, when we should be working together to come up with ways to keep jobs in this country, we're instead fomenting needless fights across party lines that will make it harder to work together. I've opposed those kinds of tactics throughout my career, whatever their source. And I will oppose them today.

Mr. Gordon.